

Appendix E: Watershed Regulations (350 CMR 11.09)

350 CMR 11.00: WATERSHED PROTECTION

11.09: General Rules and Regulations for the Protection of Watersheds and the Watershed System

In order to facilitate review of all regulations promulgated by the Commission and the Division relating to Watersheds and the Watershed System, this Section includes regulations of general applicability to Waters of the Watershed System. The regulations in 350 CMR 11.09 are intended to supersede the regulations in 310 CMR 23.00, 350 CMR 8.01, 350 CMR 9.00, and 350 CMR 10.00.

(1) Waters of the Watershed System.

(a) No Person shall take or divert any Waters of the Watershed System of the Commission and no Person shall corrupt, render impure, waste or improperly use any such water.

(b) No Person shall:

1. engage in any construction activity involving filling, dredging, grubbing or altering land without adequate provisions to prevent erosion resulting in clay, silt or other turbidity laden waters from entering the Waters of the Watershed System;

2. construct, establish or maintain any agricultural facility or place where animal manure may be deposited or accumulated without adequate provision to prevent any manure or other Pollutant from flowing or being washed into the Waters of the Watershed System;

3. engage in any other activity which could degrade the quality of Waters of the Watershed System or interfere with their use as a source of water supply.

(c) No Person shall allow a condition to exist on such Person's property which could result in the direct or ultimate discharge of any Pollutant into the Waters of the Watershed System.

(d) Any records of any board of health or health agent concerning matters within the Watershed shall be open to inspection by the employees and agents of the Commission and the Department.

(e) Whenever an incident occurs, is likely to occur, or a situation exists that threatens to add Pollutants to the Waters of the Watershed System, the Person causing or contributing to the pollution or potential pollution shall notify the Commission and the Department immediately.

(2) Watershed System.

(a) General Regulations.

1. Entrance on and exit from land of the Watershed System shall be made through gates or other designated areas.

2. No Person is allowed within any land of the Watershed System, except from one hour before sunrise to one hour after sunset, unless authorized by a written permit from the Commission or its designee.

3. Powered boats are prohibited within the Waters of the Watershed System except in areas designated by the Commission or its designee.

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4. All acts which pollute or may pollute the water supply are prohibited. No litter or refuse of any sort may be thrown or left in or on any land or water within any Watershed System. All Persons within said System shall use the sanitary facilities provided for public use.
5. All acts which injure the property of the Commonwealth are prohibited. No Person shall injure, deface, destroy, remove or carry off any property, real or personal, under the care and control of the Commission, including but not limited to, all historic artifacts and natural materials. The removal of gravel, topsoil, stones, boulders, or other earthen material is prohibited from the Watershed System except for removal for official use for land management purposes by Commission staff. No Person shall build or construct any object or structure of the property of the Commonwealth except with the written permission of the Commission or its designee.
6. Cooking and all fires are prohibited within the Watershed System.
7. No Person shall wade or swim in any reservoir except wading while using boots for the purpose of launching boats at designated boat launch areas.
8. No Person shall wade or swim in any Tributary or Surface Waters on or within the property of the Commonwealth except at areas designated by the Commission or its designee.
9. Organized sports activities, including but not limited to orienteering and baseball, are prohibited in the Watershed System except by written permit from the Commission or its designee.
10. Any violation of 350 CMR 11.09 will be deemed sufficient cause for revocation of fishing privileges for a period of time not less than one year from the time of violation. The Commission and its employees are not responsible for any damage to or loss of property sustained by fishermen, or for any injury or loss of life which may be incurred in connection with public use of the reservoirs and Watershed System.
11. Breach of peace, profanity or other disorderly conduct offensive to the general public is strictly prohibited within the Watershed system. Possession of and drinking of alcoholic beverages is prohibited within said System.
12. No Person shall drive a motorized vehicle within the Watershed System except upon roads authorized for such use by the Commission or its designee. Recreational vehicles are prohibited on all Watershed System property except the use of snowmobiles in areas designated by the Commission or its designee. Motor vehicles shall be parked only in areas designated by the Commission or its designee. Operators of motor vehicles shall obey all regulatory signs unless otherwise directed by a police officer or person in charge. No Person shall willfully obstruct the free passage of vehicles or Persons within the Watershed System. Vehicle access for official use may be granted by the Commission or its designee.
13. No Person shall bring any animal within any Watershed System property except for horses and dogs at the Ware River Watershed at areas designated by the Commission or its designee.
14. The use of bicycles, skis and other means of non-motorized transportation within the Watershed system shall be permitted only in areas designated by the Commission or its designee.

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15.No Person, except in an emergency, shall bring, land or cause to descend within any Watershed System property any aircraft except with a written permit from the Commission or its designee.

16.Parades, games, fairs, carnivals, fishing derbies, bazaars, gifts or solicitations for raising or collecting funds shall not be permitted within the Watershed System without written approval of the Commission or its designee.

17.Lotteries, raffles, gambling and games of chance are prohibited; and no Person shall have possession of machinery, instruments or equipment of any kind for use of same in the Watershed System.

18.Public assemblies of more than 25 persons shall not be allowed within the Watershed System without a written permit from the Commission or its designee.

19.No Person shall engage in any business, sale or display of goods or wares within the Watershed System without a written permit from the Commission or its designee.

20.Commercial signs and advertising are prohibited in the Watershed System.

21.No Person shall have possession of or discharge any weapon, firearm, fireworks, or other explosive on or within the Watershed System except at times and areas designated by the Commission or its designee. All forms of target shooting are prohibited on or within the Watershed System.

22.No Person may hunt, shoot or trap animals on or within any Watershed System property except at times and in areas designated by the Commission or its designee.

23.All Persons within the Watershed System shall obey the lawful directions of regulatory signs, police officers or persons in charge, or of Federal or Commonwealth wardens or enforcement officers.

24.The Watershed System or parts thereof may be closed for public access at the discretion of the Commission or its designee when necessary to protect the lands and waters under the care and control of the Commission.

25.The possession of all types of metal detectors or similar devices is prohibited on all of the Watershed System property.

(b) Special Regulations for Quabbin Reservoir.

1. Persons in compliance with Commonwealth Fish and Game Laws and Regulations, will be allowed to fish from shore in areas designated by the Commission or its designee. A valid state fishing or sporting license is required by any Person renting or launching a boat at any Commission facilities subject to 350 CMR 11.09. Reasonable fees for the use of boats, for rental of outboard motors for fishing purposes, or use of Commission facilities including parking and boat ramps, may be charged by the Commission.

2. Persons permitted to fish from boats shall, at all times, be responsible for the sanitary condition of the boats. Persons under 16 years of age must be accompanied by a Person possessing a valid fishing license in order to boat on Quabbin Reservoir.

3. Only boats of a minimum length of 12 feet, and of a type considered safe by the Commission representative in charge, shall be used. No inboard motors, collapsible boats, sailboats, pontoon boats, square sterned canoes, or other similar craft will be permitted in the water, and no boats will be permitted in the water except in areas

designated for boating by the Commission or its designee. Outboard motors shall have a rating of not more than one-half the BIA or OBC rated horsepower for the boat and shall not exceed 20 horsepower, except that outboard motors for Commission boats less than fourteen 14 feet six inches in length shall not exceed ten horsepower. Boats less than 14 feet six inches in length will be limited to three occupants, and boats of that length and in excess thereof may be licensed to carry four occupants. No boats shall carry more than four occupants. Canoes and jon boats of a minimum length of 12 feet, and of a type considered safe by the Commission representative in charge, shall be used and only in areas designated for boating by the Commission on Pottapaug Pond above the regulating dam and at Gate 31 above the regulating dam. Canoes less than 16 feet and jon boats less than 14 feet six inches in length will be limited to two occupants, and canoes and jon boats in excess thereof may be licensed to carry three occupants. All boats must be in compliance with current Commonwealth Boating Laws. All boats must be clean and contain no refuse of any kind. Commission personnel shall have the right to inspect all private boats launched at Commonwealth facilities and may deny access in order to protect water quality or the safety of occupants. Chock blocks must be used on vehicles when removing boats from the Reservoir.

4. No Person shall operate a motor boat at a speed other than reasonable and proper or in such a manner as to annoy or endanger the occupants of other boats.

5. Fishing from the shorelines of the Quabbin Reservoir and its Tributaries within the Watershed System or from boats shall be allowed only during a season designated by the Commission or its designee. All privately-owned boats, motors and other equipment must be removed from the property of the Commission each day.

6. Boats shall not leave the mooring areas before dawn, and must return at the time posted at each mooring area. The beaching of boats at any point except at the designated mooring and landing areas is strictly prohibited, except in cases of extreme emergency.

(c) Special Regulations for Ware River.

1. Persons in compliance with Commonwealth Fish and Game Laws and Regulations will be allowed to fish in the Ware River in areas designated by the Commission or its designee.

2. Powered boats and powered canoes are prohibited within the Ware River Watershed Reservation.

(d) Special Regulations for Wachusett Reservoir.

1. Persons in compliance with Commonwealth Fish and Game Laws and Regulations will be allowed to fish from the shore of Wachusett Reservoir in areas designated by the Commission or its designee.

2. Boating is prohibited in Wachusett Reservoir.

3. Fishing from the shoreline of the Reservoir shall be allowed only during a season designated by the Commission or its designee.

(e) Special Regulations for Sudbury Reservoir.

1. Persons in compliance with Commonwealth Fish and Game Laws and Regulations will be allowed to fish from the shore of Sudbury Reservoir in areas designated by the Commission or its designee.

2. Boating is prohibited on Sudbury Reservoir except in areas designated by the Commission or its designee.